THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 20005 of 2005

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ORDER:

The petitioner seeks Writ of Mandamus declaring the action of the respondents 1 and 2, namely, the Mandal Revenue Officer, Atmakur Revenue Mandal, and the Panchayat Secretary, Motlampalli Village, Atmakur Mandal, Mahaboobnagar District, in entering the names of respondents 3 to 8 herein as enjoyers in column No.13 of Pahani for the year 2004-05 in respect of the land in Sy.No.115/A and 115/AA of Motlampalli Village by conducting Panchanama on 24-04-2005 as illegal, violative of principles of natural justice, and seeks consequential reliefs as well.

The petitioner claims that he owns an extent of Ac.19.19 guntas in Sy.No.115/A and 115/AA of Motlampalli Village of Atmakur Mandal and is in possession as Pattadar since several decades. He also alleged that the Mandal Revenue Officer, Atmakur, issued Pattadar pass book and title deeds in 1995. When respondents 3 to 8 tried to interfere with the possession, the petitioner filed a suit being O.S.No.17 of 2005 on the file of the Senior Civil Judge, Gadwal, for permanent injunction. In I.A.No.604 of 2005, the said Court passed *ad interim injunction* order on 29-04-2005. The respondents 3 to 8, however, brought political pressure on respondents 1 and 2 who entered the names of the contesting respondents in column No.13 of the Pahani showing them as enjoyers.

The learned counsel for the petitioner Sri R. Radhakrishna Reddy vehemently contends that the action of the respondents 1 and 2 in entering the names of respondents 3 to 8 as enjoyers in the Pahani is violative of principles of natural justice. He also pleads that the impugned action is without jurisdiction. He placed reliance on the Pattadar pass book issued in favour of the petitioner on 02-08-2005 to contend that it was improper for respondents 1 and 2 to show the names of respondents 3 to 8 as enjoyers in the Pahani.

The learned Assistant Government Pleader, at the stage of preliminary hearing itself, obtained instructions in the matter. He submits that when the petitioner has already approached the Civil Court and obtained an order of *ad interim injunction* in I.A.No.604 of 2005, he cannot again approach this Court by filing a writ petition. Secondly, he urged that if there is any entry made in the Pahani which might adversely affect the right, title and possession of the petitioner, his remedy is to approach the Mandal Revenue Officer for necessary correction. The petitioner, without availing any remedy under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act) cannot maintain this writ petition.

The petitioner, as disclosed in the writ affidavit, has already approached the Civil Court when there was threat of dispossession. He also obtained an injunction.

In that view of the matter, it is for the Civil Court to decide the question of possession as on the date of filing of the suit. Even if an entry is made in the Pahani showing respondents 3 to 8 as enjoyers, the same does not, in any manner, come in the way of the petitioner to produce necessary proof of his possession and obtain appropriate decree. Secondly, when the Mandal Revenue Inspector and the Panchayat Secretary conducted Panchanama and allegedly entered the names of respondents 3 to 8 in column No.13, the petitioner ought to have approached the Mandal Revenue Officer or jurisdictional Revenue Divisional Officer for necessary redressal. He did not do so.

A reading of the Panchanama annexed to the writ petition would show that the same does not, in any manner, alter or amend the Pattadar pass book issued to the petitioner way back in 1995. This aspect of the matter cannot be ignored by the Civil Court while considering the suit. The petitioner, if so advised, may approach the Mandal Revenue Officer or jurisdictional Revenue Divisional Officer for appropriate relief. In this writ petition, the question cannot be decided.

In the result, the writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S. RAO, J)

15-09-2005

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